

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Clearview AI, Inc.,

Petitioner/Plaintiff

v.

NOTICE OF MOTION

Investigative Consultants, Inc.

and

Case No. 1:25-cv-00049

Donald Berlin,

Respondents/Defendants

Defendants/Respondents Investigative Consultants, Inc. and Donald Berlin respectfully move this Court, pursuant to 9 U.S.C. §§ 9-11 to:

1. Vacate, modify, or correct the arbitration award at issue in this case to the extent it:

- a) awarded prejudgment interest from August 1, 2019; and
- b) held Mr. Berlin personally liable for a portion of Clearview's attorney fees;

2. Confirm the award in part and declare that:

- a) Mr. Berlin is not personally liable for any breach of the contract;
- b) ICI is not liable for breach of the contract's exclusivity provision;
- c) ICI is not liable for fraudulent inducement;
- d) ICI is not liable for fraudulent misrepresentation or concealment;
- e) ICI is not liable for unjust enrichment;
- f) ICI is not liable for consequential damages; and
- g) ICI is not liable for punitive damages'

3. Order that any post-judgment interest shall be computed at the rate established by 28

U.S.C. § 1961, and not by any contrary state law;

In support of this motion, ICI and Mr. Berlin rely upon the accompanying Memorandum of Law and exhibits, the Declaration of John P. Dean, the Answer to the Petition, and the entire record herein.

January 17, 2025

Respectfully submitted,

/s/ John P. Dean

John P. Dean (JD0278)

THE OSTER LAW FIRM

1320 19th Street, N.W., Suite 800

Washington, D.C. 20036

(202) 725-8110 (p)

(202) 747-5862 (f)

johndean8@aol.com

Counsel to Respondents/Defendants

CERTIFICATE OF SERVICE

I hereby certify that I filed this Motion and the papers accompanying it using the Court's electronic filing system, thereby serving all counsel of record.

Dated: January 16, 2025

/s/John P. Dean

John P. Dean (JD0278)

Counsel for Respondents/Defendants